

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

02 FEB - 5 PM 4: 16

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

2/2/02
69cv07941 JEC-ACE
CLERK-SANTA FE

RIO CHAMA STREAM SYSTEM
Rio Cebolla, Section 3

ANSWER TO COMPLAINT FOR ADJUDICATION OF WATER RIGHTS

COMES NOW David E. Archuleta (please print your full name)
DAVID E. ARCHULETA

and answers the complaint as follows:

<u>Subfile No</u>	<u>Object</u>	<u>Claim No Right</u>
CHCB-003-015A	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHCB-003-015B	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. In answer to Complaint: For each subfile listed above, please **initial** in one of the two boxes to indicate whether you object to the description of water right(s) contained in the State's proposed Consent Order, or whether you make no claim as to the water right(s) described in the State's proposed Consent Order.

If you object to the description of water right(s) and reject the State's proposed Consent Order, or if you make no claim as to the water right(s) set forth in the State's proposed Consent Order for any of the Subfile Numbers listed above, for each such Subfile Number please explain in the appropriate spaces below.

I object to the description of the water right(s) described by Subfile Number(s) CHCB-003 -015B
4 CHCB-003 - 0015A because

6526

The original Permit No. 2631 (of application) for water use indicated 13 acres of water rights for Frank Chavez. It is my contention that through the final judgment declared by the State Engineer that this property was erroneously left out. This property does not indicate or appear on the Proof of Application of Water to Beneficial use. This is complete error and should coincide with the license to appropriate water.

(CHCB-003-0015B)

(Attach additional pages if necessary)

I made a good faith effort to resolve my disagreement with the State's proposed Consent Order by

(Attach additional pages if necessary)

I claim no right for the water right(s) described by Subfile Number(s) _____
_____ because

(Attach additional pages if necessary)

2. I understand that by making this claim and filing this document I am not waiving my rights to later raise, in an Amended Answer, any jurisdictional or affirmative defenses I may have.

Dated: 2-04-02

David E. Archuleta
(Signature - DAVID E. ARCHULETA)

P.O. Box 217
Cebolla, New Mexico

87518
(Address: Print Clearly)

505-684-2420
(Phone Number: Print Clearly)

IMPORTANT: If you have been served with a summons and copy of the complaint in this action, or if you have waived service of process, you must file an answer in the United States District Court for the District of New Mexico within 20 days after being served with the summons and complaint, or if service of the summons has been timely waived on request under rule 4(d), within 60 days after the date when the request for waiver was sent, or within 90 days after that date if the defendant was addressed outside any judicial district of the United States. Any right you may have to use waters of the stream system may be adjudicated by default judgment in conformity with the State's proposed Consent Order if you fail to file an answer. The court's address is: 333 Lomas NW, Suite 270, Albuquerque, NM 87102, or P.O. Box 2384, Santa Fe, NM 87504. A copy of the answer filed with the district court must also be sent to the Office of the State Engineer, Legal Services Division, P.O. Box 25102, Santa Fe, NM 87504-5102.